

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH) C.A. No. 1:05-CV-11148-PBS
BENEFITS FUND, PIRELLI ARMSTRONG)
RETIREE MEDICAL BENEFITS TRUST;)
TEAMSTERS HEALTH & WELFARE FUND)
OF PHILADELPHIA AND VICINITY;)
PHILADELPHIA FEDERATION OF)
TEACHERS HEALTH AND WELFARE)
FUND; DISTRICT COUNCIL 37, AFSCME -)
HEALTH & SECURITY PLAN; JUNE)
SWAN; BERNARD GORTER, SHELLY)
CAMPBELL and CONSTANCE JORDAN,)
Plaintiffs,)
v.)
FIRST DATABANK, INC., a Missouri)
corporation; and McKESSON)
CORPORATION, a Delaware corporation,)
Defendants.)

**CLASS PLAINTIFFS' UNOPPOSED MOTION TO APPROVE
PARTIAL DISTRIBUTION OF THE SETTLEMENT FUND TO THE
CASH PAYOR SUBCLASS**

Class Counsel hereby move for an Order:

- Approving the procedures used and actions taken by the Class Notice Consultant and the Claims Administrator;
- Approving payment of the timely-filed valid claims as determined by the Claims Administrator;
- Approving payment of valid, but late-filed, claims as determined by the Claims Administrator;
- Approving disallowance of claims identified by the Claims Administrator as deficient, invalid, or otherwise ineligible for payment; and

- Directing distribution of the settlement fund to eligible claimants as proposed by the Claims Administrator.

In support of this Motion, Class Plaintiffs hereby submit:

1. Class Plaintiffs' Memorandum in Support of their Motion to Approve Partial Distribution of the Settlement fund to the Cash Payor SubClass;
2. Affidavit of Eric J. Miller Regarding Allocation and Distribution of the Net Settlement Fund to Cash Payors; and
3. Declaration of Steve W. Berman in Support of Class Plaintiffs' Unopposed Motion to Approve Partial Distribution of the Settlement Fund to the Cash Payor Subclass.

DATED: December 22, 2010

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Counsel for Plaintiffs and the Classes

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for Plaintiffs conferred with counsel for Defendant regarding the filing of this motion, who do not oppose.

/s/ Steve W. Berman

Steve W. Berman

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on December 22, 2010.

/s/ Steve W. Berman

Steve W. Berman